



**MINUTES
NEW YORK STATE RACING AND WAGERING BOARD
MEETING OF MARCH 25, 2010**

**A meeting of the New York State Racing and Wagering Board was held on Thursday,
March 25, 2010 at 11:00 a.m. at the Racing & Wagering Board's Schenectady Office
located at 1 Broadway Center, Suite 600, Schenectady, New York.**

The meeting was called to order at 1:04 p.m.

In Attendance Were:

John D. Sabini, Chairman
Daniel D. Hogan, Member
Charles J. Diamond, Member
Ronald G. Ochrym, Executive Director
Robert Feuerstein, General Counsel
Joseph Lynch, Director of Racing Operations
Thomas Casaregola, Audits & Investigations
Gail Pronti, Secretary to the Board

Also in Attendance Were:

Kenneth Council, Director of Administration
Joseph Mahoney, NYSR&WB
Kristen Buckley, NYSR&WB
Vivian Davis, NYSR&WB
John Googas, NYSR&WB
Stacy Harvey, NYSR&WB
Chris Duryea, Yonkers Raceway
Robert Hemsworth, CDROTB
Celine Gazes, SROTB
Russell Kratoville, SROTB

OPEN COMMENT PERIOD:

Comments Began: 11:04 a.m.

Gail Pronti, Secretary to the Board, presented e-mail comments from Jackson Leeds which are attached.

Comments Ended: 11:05 a.m.

A. The Board approved the minutes of the Board meeting held on February 25, 2010.

B. ITEMS PREVIOUSLY APPROVED OR DEFERRED BY THE CHAIR

1. **BUFFALO RACEWAY – REQUEST TO OFFER GOLDEN EGG SCRATCH-OFF PROMOTION**

On February 24, 2010, the New York State Racing and Wagering Board approved the February 12, 2010 Buffalo Trotting Association, Inc. request to hold a Golden Egg Scratch-Off Promotion on Saturday, April 3, 2010.

2. **BUFFALO RACEWAY – IMPORT OF VARIOUS LOCATIONS IN 2010**

On February 26, 2010, the New York State Racing and Wagering Board approved an amendment to the Buffalo Trotting Association Inc. simulcast plan of operation to authorize the simulcast for wagering purposes of races from Freehold Raceway, New Jersey through March 31, 2010.

3. On February 26, 2010, the New York State Racing and Wagering Board approved an amendment to the Buffalo Trotting Association Inc. simulcast plan of operation to authorize the simulcast for wagering purposes of races from Meydan Race Course, Dubai, United Emirates via the auspices of AmWest Entertainment LLC on March 27, 2010.

4. On March 9, 2010, the New York State Racing and Wagering Board approved an amendment to the Buffalo Trotting Association Inc. simulcast plan of operation to authorize the simulcast for wagering purposes of races from Mohegan Sun at Pocono Downs, Pennsylvania from March 23 through November 13, 2010.

5. **BUFFALO RACEWAY – EXPORT TO VARIOUS LOCATIONS IN 2010**

On March 4, 2010, the New York State Racing and Wagering Board approved the Buffalo Trotting Association, Inc. request to simulcast its standardbred racing program for wagering purposes to Hazel Park, Michigan through July 25, 2010.

6. **CAPITAL DISTRICT REGIONAL OTB – MODIFICATION OF CAPITAL CASH REWARDS PROGRAM**

On February 18, 2010, the New York State Racing and Wagering Board approved the February 11, 2010 application to modify the Capital Off-Track Betting Cash Reward program by offering *double* rewards points on New York racing. This modification

would allow the Capital OTB patrons to receive *double* rewards points on selected races, race meets or race dates run by the New York thoroughbred or harness tracks.

7. **CAPITAL DISTRICT REGIONAL OTB – MARCH 2010 PROMOTIONS**
On March 4, 2010, the New York State Racing and Wagering Board approved the February 19, 2010 application of Capital District Regional Off-Track Betting Corporation to conduct the following promotions during March 2010:
 - Big Race Showdown conditioned on at least 50% of the races being New York races
 - Pick 4's
 - Fan Appreciation Days
 - Winners Circle
 - Dubai Day.

8. **CAPITAL DISTRICT REGIONAL OTB – REQUEST TO OFFER MEGA MARCH MADNESS PROMOTION**
On March 9, 2010, the New York State Racing and Wagering Board approved the March 5, 2010 application by the Capital District Regional Off-Track Betting Corporation to offer promotional giveaways on March 18-20, 2010 and conduct a “Knockout Challenge” on March 20, 2010.

9. **CAPITAL DISTRICT REGIONAL OTB – IMPORT OF VARIOUS LOCATIONS IN 2010**
On March 11, 2010, the New York State Racing and Wagering Board approved an amendment to the Capital District Regional OTB Corporation simulcast plan of operation to authorize the simulcast for wagering purposes of races from Mohegan Sun at Pocono Downs, Pennsylvania from March 23 through November 13, 2010.

10. **CATSKILL REGIONAL OTB – CLOSURE OF ELLENVILLE BRANCH – ELLENVILLE, NY**
On February 18, 2010, the New York State Racing and Wagering Board approved the February 5, 2010 Catskill Off-Track Betting Corporation request to amend its plan of operation to reflect the closure of its branch in Ellenville, N.Y. (Ulster County) no later than February 28, 2010.

11. **CATSKILL REGIONAL OTB – IMPORT OF VARIOUS LOCATIONS IN 2010**
On March 5, 2010, the New York State Racing and Wagering Board approved an amendment to the Catskill OTB Corporation simulcast plan of operation to authorize the simulcast for wagering purposes of races from Saratoga Harness, New York from March 5 through December 12, 2010.

12. **FINGER LAKES RACETRACK – REQUEST TO OFFER \$2,500 HANDICAPPING CHALLENGES**
On February 18, 2010, the New York State Racing and Wagering Board approved the February 5, 2010 Finger Lakes Racetrack request to conduct the \$2,500 Finger Lakes Handicapping Challenges on the Saturdays of February 27, March 13 and March 27, 2010.

13. **FINGER LAKES RACETRACK – IMPORT OF VARIOUS LOCATIONS IN 2010**
On February 12, 2010, the New York State Racing and Wagering Board approved an amendment to the Finger Lakes Racing Association, Inc. simulcast plan of operation to authorize participation in the one Kentucky Oaks and the three Kentucky Derby future pools on the year 2010 Kentucky Oaks to be run on April 30 and the Kentucky Derby to be run on May 1, 2010 at Churchill Downs, Kentucky.
14. On February 24, 2010, the New York State Racing and Wagering Board approved an amendment to the Finger Lakes Racing Association, Inc. simulcast plan of operation to authorize the simulcast for wagering purposes of races from Saratoga Harness Racing, Inc., New York through December 12, 2010.
15. On February 26, 2010, the New York State Racing and Wagering Board approved an amendment to the Finger Lakes Racing Association, Inc. simulcast plan of operation to authorize the simulcast for wagering purposes of races from Mountaineer Park, Inc., West Virginia from March 1 through December 29, 2010.
16. On March 5, 2010, the New York State Racing and Wagering Board approved an amendment to the Finger Lakes Racing Association, Inc. simulcast plan of operation to authorize the simulcast for wagering purposes of races from Meydan Race Course, Dubai, United Emirates via the auspices of AmWest Entertainment LLC on March 27, 2010.
17. On March 9, 2010, the New York State Racing and Wagering Board approved an amendment to the Finger Lakes Racing Association, Inc. simulcast plan of operation to authorize the simulcast for wagering purposes of races from Hawthorne Race Course, Illinois through April 25, 2010.
18. On March 11, 2010, the New York State Racing and Wagering Board approved an amendment to the Finger Lakes Racing Association, Inc. simulcast plan of operation to authorize the simulcast for wagering purposes of races from Woodbine Entertainment Group (Woodbine Racetrack and Mohawk Raceway), Ontario, Canada during the year 2010.
19. **FINGER LAKES RACETRACK – EXPORT TO VARIOUS LOCATIONS IN 2010**
On February 26, 2010, the New York State Racing and Wagering Board approved the request of Finger Lakes Racing Association, Inc. to provide official race replays to The New York Breeders (www.nybreeds.com) during the year 2010 for non-wagering promotions purposes.
20. On March 11, 2010, the New York State Racing and Wagering Board approved the Finger Lakes Racing Association, Inc. request to simulcast its thoroughbred racing programs for wagering purposes to Woodbine Entertainment Group (with thirty-three [33] secondary sites), Ontario, Canada through December 4, 2010.

21. On March 11, 2010, the New York State Racing and Wagering Board approved the Finger Lakes Racing Association, Inc. request to simulcast its thoroughbred racing programs for wagering purposes to Fort Erie Race Track (with three [3] secondary sites), Ontario, Canada from April 16 through December 4, 2010.
22. On March 11, 2010, the New York State Racing and Wagering Board approved the Finger Lakes Racing Association, Inc. request to simulcast its thoroughbred racing programs for wagering purposes to Marquis Downs (with four [4] secondary sites), Saskatchewan, Canada from April 16 through December 4, 2010.
23. On March 11, 2010, the New York State Racing and Wagering Board approved the Finger Lakes Racing Association, Inc. request to simulcast its thoroughbred racing programs for wagering purposes to Las Vegas Dissemination, Inc. (in relation to five [5] specified sites), Nevada from April 16 through December 4, 2010.
24. **MONTICELLO RACEWAY –IMPORT OF VARIOUS LOCATIONS IN 2010**
On February 12, 2010, the New York State Racing and Wagering Board approved an amendment to the Monticello Raceway simulcast plan of operation to authorize the simulcast for wagering purposes of races from Lebanon Raceway, Ohio through December 31, 2010.
25. On February 18, 2010, the New York State Racing and Wagering Board approved an amendment to the Monticello Raceway Mgmt, Inc. simulcast plan of operation to authorize the simulcast for wagering purposes of races from Western Fair Raceway, Ontario, Canada during the year 2010.
26. On February 24, 2010, the New York State Racing and Wagering Board approved an amendment to the Monticello Raceway simulcast plan of operation to authorize the simulcast for wagering purposes of races from Freehold Raceway, New Jersey through March 31, 2010.
27. On February 25, 2010, the New York State Racing and Wagering Board approved an amendment to the Monticello Raceway simulcast plan of operation to authorize the simulcast for wagering purposes of races from Mohegan Sun at Pocono Downs, Pennsylvania from March 23 through November 13, 2010.
28. On March 9, 2010, the New York State Racing and Wagering Board approved an amendment to the Monticello Raceway Mgmt, Inc. simulcast plan of operation to authorize the simulcast for wagering purposes of races from Finger Lakes Racing Association, Inc., New York during the year 2010.
29. On March 11, 2010, the New York State Racing and Wagering Board approved an amendment to the Monticello Raceway Mgmt, Inc. simulcast plan of operation to authorize the simulcast for wagering purposes of races from Grand River Agricultural Society, Ontario, Canada from April 12 through October 25, 2010.

30. On March 11, 2010, the New York State Racing and Wagering Board approved an amendment to the Monticello Raceway simulcast plan of operation to authorize the simulcast for wagering purposes of races from Plainridge Racecourse, Massachusetts from April 5 through November 26, 2010.
31. On March 11, 2010, the New York State Racing and Wagering Board approved an amendment to the Monticello Raceway simulcast plan of operation to authorize the simulcast for wagering purposes of races from Hoosier Park, Indiana from March 25 through July 11, 2010.
32. **MONTICELLO RACEWAY – EXPORT TO VARIOUS LOCATIONS IN 2010**
On February 18, 2010, the New York State Racing and Wagering Board approved the Monticello Raceway Mgmt, Inc. request to simulcast its harness racing programs for wagering purposes to Western Fair Raceway, Ontario, Canada through December 31, 2010.
33. On February 18, 2010, the New York State Racing and Wagering Board approved the Monticello Raceway Mgmt, Inc. request to simulcast its harness racing programs for wagering purposes to Woodbine Entertainment Group (with thirty two [32] secondary sites), Ontario, Canada through December 31, 2010.
34. **NASSAU REGIONAL OTB – REQUEST TO OFFER FREE BETTING VOUCHERS AT HEMPSTEAD BRANCH**
On February 26, 2010, the New York State Racing and Wagering Board approved the Nassau Downs Regional Off-Track Betting Corporation’s February 23, 2010 request to amend their plan of operation to conduct a final promotion between March 4 and 6, 2010 at the Hempstead branch located at 220 Fulton Avenue. This branch will be closed to the public effective March 7, 2010
35. **NASSAU REGIONAL OTB – REQUEST TO OFFER “SPRING FLING” HANDICAPPING CONTEST**
On March 9, 2010, the New York State Racing and Wagering Board approved the March 4, 2010 application of Nassau Regional Off-Track Betting Corporation to conduct the “Spring Fling” handicapping contest April 3 until May 10, 2010 with “Grand Finale” contest on May 15, 2010.
36. **NASSAU REGIONAL OTB – IMPORT OF VARIOUS LOCATIONS IN 2010**
On March 9, 2010, the New York State Racing and Wagering Board approved amendments to the plans of operation of Nassau Regional Off-Track Betting Corporation, Capital District Off-Track Betting Corporation, Catskill Regional Off-Track Betting Corporation, Suffolk Regional Off-Track Betting Corporation and Western Regional Off-Track Betting Corporation to authorize the simulcast for wagering purposes of races from Plainridge Race Course, Massachusetts from April 5 through November 26, 2010.
37. **NYRA – NEW NYRA OFFICIAL - SALVATO**
Pursuant to Rule 4005.1, on February 26, 2010, the New York State Racing and Wagering Board approved the New York Racing Association’s employment of Matthew Salvato as a Category I official, Placing and Patrol Judge during 2010.

38. **NYRA – IMPORT OF VARIOUS LOCATIONS IN 2010**
On February 12, 2010, the New York State Racing and Wagering Board approved an amendment to the New York Racing Association simulcast plan of operation to authorize participation in the one Kentucky Oaks and the three Kentucky Derby future pools on the year 2010 Kentucky Oaks to be run on April 30 and the Kentucky Derby to be run on May 1, 2010 at Churchill Downs, Kentucky.
39. On February 18, 2010, the New York State Racing and Wagering Board approved an amendment to the New York Racing Association simulcast plan of operation to authorize the simulcast for wagering purposes of races from Mountaineer Park, Inc., West Virginia through December 29, 2010.
40. On March 4, 2010, the New York State Racing and Wagering Board approved an amendment to the New York Racing Association simulcast plan of operation to authorize the simulcast for wagering purposes of races from Northwest Racing Associates LP, dba Emerald Downs, Washington from April 9 through September 26, 2010.
41. **NYRA – EXPORT TO VARIOUS LOCATIONS IN 2010**
On February 18, 2010, the New York State Racing and Wagering Board approved The New York Racing Association’s request to simulcast its thoroughbred racing programs for wagering purposes during the year 2010 to Batavia Downs, New York.
42. On February 18, 2010, the New York State Racing and Wagering Board approved The New York Racing Association’s request to simulcast its thoroughbred racing programs for wagering purposes for the year 2010 to the following additional secondary site, Bank 8 Billiards, Grand Junction, Colorado, associated with the previously approved simulcasts to Arapahoe Park, Colorado.
43. On February 26, 2010, the New York State Racing and Wagering Board approved the request of The New York Racing Association, Inc. to provide official race replays to The New York Breeders (www.nybreeds.com.) during the year 2010 for non-wagering promotion purposes.
44. **SARATOGA HARNESS – REQUEST TO OFFER INDIVIDUAL HANDICAPPING CONTESTS IN APRIL 2010**
On February 18, 2010, the New York State Racing and Wagering Board approved the February 10, 2010 application of Saratoga Gaming and Raceway to conduct three individual handicapping contests on April 11, 18 and 25, 2010.
45. **SARATOGA HARNESS – IMPORT OF VARIOUS LOCATIONS IN 2010**
On February 25, 2010, the New York State Racing and Wagering Board approved an amendment to the Saratoga Gaming and Raceway simulcast plan of operation to authorize the simulcast for wagering purposes of races from Freehold Raceway, New Jersey through March 31, 2010.
46. On February 25, 2010, the New York State Racing and Wagering Board approved an amendment to the Saratoga Gaming and Raceway simulcast plan of operation to

authorize the simulcast for wagering purposes of races from Mountaineer Park, Inc., West Virginia from March 1 through December 29, 2010.

47. On February 26, 2010, the New York State Racing and Wagering Board approved an amendment to the Saratoga Gaming and Raceway simulcast plan of operation to authorize the simulcast for wagering purposes of races from Mohegan Sun at Pocono Downs, Pennsylvania from March 23 through November 13, 2010.
48. On March 1, 2010, the New York State Racing and Wagering Board approved an amendment to the Saratoga Gaming and Raceway simulcast plan of operation to authorize the simulcast for wagering purposes of races from Indiana Downs (Thoroughbred Meet), Indiana from April 16, 2010, through July 14, 2010.
49. **SARATOGA HARNESS – EXPORT TO VARIOUS LOCATIONS IN 2010**
On February 18, 2010, the New York State Racing and Wagering Board approved the Saratoga Harness Racing, Inc. request to simulcast its standardbred racing program for wagering purposes from March 5 through December 12, 2010 to Mohegan Sun at Pocono Downs (with four [4] secondary sites), Pennsylvania.
50. On February 18, 2010, the New York State Racing and Wagering Board approved the Saratoga Gaming & Raceway request to simulcast its harness racing programs for wagering purposes to Picov Downs Inc., Ontario, Canada from March 5 through December 12, 2010.
51. On February 18, 2010, the New York State Racing and Wagering Board approved the Saratoga Gaming & Raceway request to simulcast its harness racing programs for wagering purposes to Northlands Park, Alberta, Canada from March 5 through December 12, 2010.
52. On February 18, 2010, the New York State Racing and Wagering Board approved the Saratoga Harness Racing, Inc. request to simulcast its standardbred racing program for wagering purposes from March 5 through December 12, 2010 to:
 1. Hawthorne Race Course (with thirty two [32] secondary sites), Illinois
 2. Plainridge Racecourse, Massachusetts
 3. The Red Mile, Kentucky.
53. On February 18, 2010, the New York State Racing and Wagering Board approved the Saratoga Harness Racing, Inc. request to simulcast its standardbred racing program for wagering purposes from March 5 through December 12, 2010 to Rockingham Park (with one [1] secondary site), New Hampshire.
54. On February 18, 2010, the New York State Racing and Wagering Board approved the Saratoga Harness Racing, Inc. request to simulcast its harness racing programs for wagering purposes from March 5 through December 12, 2010 to:
 1. Western Regional Off-Track Betting Corporation/Batavia Downs, New York
 2. Yonkers Raceway, New York.

55. On February 18, 2010, the New York State Racing and Wagering Board approved the Saratoga Harness Racing, Inc. request to simulcast its standardbred racing program for wagering purposes to Phumelela Gold International, Isle of Man from March 5 through December 12, 2010.
56. On March 1, 2010, the New York State Racing and Wagering Board approved the Saratoga Harness Racing, Inc. request to simulcast its standardbred racing program for wagering purposes to the following sites from March 5 through December 12, 2010:
 1. Youbet.com, Inc., California and Oregon
 2. Racing & Gaming Services (RGS), St. Kitts, West Indies.
57. On March 1, 2010, the New York State Racing and Wagering Board approved Saratoga Harness Racing, Inc. request to simulcast its standardbred racing programs for wagering purposes to Las Vegas Dissemination Company, Nevada for purposes of dissemination for simulcasting with pari-mutuel wagering from March 5 through December 12, 2010 to the two [2] sites specified in the agreement submitted to the Board.
58. On March 1, 2010, the New York State Racing and Wagering Board approved the Saratoga Harness Racing, Inc. request to simulcast its standardbred racing program for wagering purposes to the following tracks from March 5 through December 12, 2010:
 1. Hazel Park, Michigan
 2. Scarborough Downs, Maine
 3. Wheeling Island Hotel, Casino & Racetrack, West Virginia.
59. On March 4, 2010, the New York State Racing and Wagering Board approved the Saratoga Harness Racing, Inc. request to simulcast its standardbred racing program for wagering purposes from March 5 through December 12, 2010 to:
 1. Harrah's Chester Casino & Racetrack, Pennsylvania
 2. Sam Houston Race Park, (with one [1] secondary site), Texas.
60. On March 9, 2010, the New York State Racing and Wagering Board approved the Saratoga Harness Racing, Inc. request to simulcast its standardbred racing program for wagering purposes from March 5 through December 12, 2010 to:
 1. Colonial Downs (with ten [10] secondary sites), Virginia
 2. Running Aces Harness Park, Minnesota.
61. **SUFFOLK REGIONAL OTB – REQUEST TO OFFER PROMOTION AT PETE'S PLACE FOR FEBRUARY 13, 2010**

On February 12, 2010, the New York State Racing and Wagering Board approved the February 11, 2009 Suffolk Regional Off-Track Betting Corporation request to conduct the "Grand Opening" promotion at the Ellie Tavern d/b/a Pete's Place located at 876A Church Street in Bohemia, N.Y.

62. **SUFFOLK REGIONAL OTB – CLOSURE OF HAUPPAUGE BRANCH**
On February 26, 2010, the New York State Racing and Wagering board approved an amendment to the Suffolk Regional Off-Tracking Betting Corporation’s plan of operation to reflect the closure of the Hauppauge branch at 536 Smithtown By-Pass, Hauppauge, NY effective at the close of business on Sunday, March 14, 2010.
63. **SUFFOLK REGIONAL OTB – MARCH MADNESS - HOOPS & HORSES PROMOTION**
On March 4, 2010, the New York State Racing and Wagering Board approved the February 5, 2010 application (revised February 19, 2010) of the Suffolk Regional Off-Track Betting Corporation to conduct the March madness Hoops and Horses promotion through March 21, 2010.
64. **TIOGA DOWNS – REQUEST TO OFFER HANDICAPPING CONTEST**
On February 26, 2010, the New York State Racing and Wagering Board approved the February 26, 2010 American Racing-Tioga Downs, Inc. request to conduct a handicapping contest on Saturday, March 27, 2010 at Tioga Downs.
65. **TIOGA DOWNS – IMPORT OF VARIOUS LOCATIONS IN 2010**
On February 12, 2010, the New York State Racing and Wagering Board approved an amendment to the Tioga Downs simulcast plan of operation to authorize participation in the one Kentucky Oaks and the three Kentucky Derby future pools on the year 2010 Kentucky Oaks to be run on April 30 and the Kentucky Derby to be run on May 1, 2010 at Churchill Downs, Kentucky.
66. On February 24, 2010, the New York State Racing and Wagering Board approved an amendment to the Tioga Downs simulcast plan of operation to authorize the simulcast for wagering purposes of races from Freehold Raceway, New Jersey through March 31, 2010.
67. On February 26, 2010, the New York State Racing and Wagering Board approved an amendment to the Tioga Downs simulcast plan of operation to authorize the simulcast for wagering purposes of races from Mohegan Sun at Pocono Downs, Pennsylvania from March 23 through November 13, 2010.
68. On March 1, 2010, the New York State Racing and Wagering Board approved an amendment to the Tioga Downs simulcast plan of operation to authorize the simulcast for wagering purposes of races from Mountaineer Park, Inc., West Virginia from March 1 through December 29, 2010.
69. **VERNON DOWNS – REQUEST TO OFFER HANDICAPPING CONTEST**
On February 26, 2010, the New York State Racing and Wagering Board approved the February 26, 2010 American Racing-Vernon Downs, Inc. request to conduct a handicapping contest on Saturday, March 20, 2010 at Vernon Downs.
70. **VERNON DOWNS –IMPORT OF VARIOUS LOCATIONS IN 2010**
On February 12, 2010, the New York State Racing and Wagering Board approved an amendment to the Vernon Downs simulcast plan of operation to authorize participation in

the one Kentucky Oaks and the three Kentucky Derby future pools on the year 2010 Kentucky Oaks to be run on April 30 and the Kentucky Derby to be run on May 1, 2010 at Churchill Downs, Kentucky.

71. On February 24, 2010, the New York State Racing and Wagering Board approved an amendment to the Vernon Downs simulcast plan of operation to authorize the simulcast for wagering purposes of races from Freehold Raceway, New Jersey through March 31, 2010.
72. On February 26, 2010, the New York State Racing and Wagering Board approved an amendment to the Vernon Downs simulcast plan of operation to authorize the simulcast for wagering purposes of races from Mohegan Sun at Pocono Downs, Pennsylvania from March 23 through November 13, 2010.
73. On March 1, 2010, the New York State Racing and Wagering Board approved an amendment to the Vernon Downs simulcast plan of operation to authorize the simulcast for wagering purposes of races from Mountaineer Park, Inc., West Virginia from March 1 through December 29, 2010.
- 3/11/10 74. On March 11, 2010, the New York State Racing and Wagering Board approved an amendment to the Vernon Downs simulcast plan of operation to authorize the simulcast for wagering purposes of races from Plainridge Racecourse, Massachusetts from April 5 through November 26, 2010.

**APPROVED 75. WESTERN REGIONAL OTB/BATAVIA DOWNS – IMPORT
1109-25-B OF VARIOUS LOCATIONS IN 2010**

2/24/10 On February 24, 2010, the New York State Racing and Wagering Board approved an amendment to the Western Regional Off-Track Betting Corporation simulcast plan of operation to authorize the simulcast for wagering purposes of races from Freehold Raceway, New Jersey through March 31, 2010.

**APPROVED 76. YONKERS RACEWAY – IMPORT OF VARIOUS
1109-33-B LOCATIONS IN 2010**

2/11/10 On February 11, 2010, the New York State Racing and Wagering Board approved an amendment to the Yonkers Raceway simulcast plan of operation to authorize the acceptance of wagering via the internet and other electronic media and communications devices specifically approved by the Board on races from Meydan Race Course, Dubai, United Emirates via the auspices of AmWest Entertainment LLC.

- 2/19/10 77. On February 19, 2010, the New York State Racing and Wagering Board approved an amendment to the Yonkers Raceway simulcast plan of operation to authorize the simulcast for wagering purposes of races from Hawthorne Race Course, Illinois through April 25, 2010.
- 2/26/10 78. On February 26, 2010, the New York State Racing and Wagering Board approved an amendment to the Yonkers Raceway simulcast plan of operation to authorize the simulcast for wagering purposes of races from Freehold Raceway through March 31, 2010.
- 2/26/10 79. On February 26, 2010, the New York State Racing and Wagering Board approved an amendment to the Yonkers Raceway simulcast plan of operation to authorize the simulcast for wagering purposes of races from Lebanon Raceway, Ohio from March 5 through December 11, 2010.
- 3/4/10 80. On March 4, 2010, the New York State Racing and Wagering Board approved an amendment to the Yonkers Raceway simulcast plan of operation to authorize the simulcast for wagering purposes of races from:
1. Plainridge Racecourse, Massachusetts from April 5 through November 26, 2010
 2. Mountaineer Park, Inc., West Virginia from March 1 through December 29, 2010.
- 3/5/10 81. On March 5, 2010, the New York State Racing and Wagering Board approved an amendment to the Yonkers Raceway simulcast plan of operation to authorize the simulcast for wagering purposes of races from Will Rogers Downs, LLC, Oklahoma from March 20 through May 18, 2010.
- 3/5/10 82. On March 5, 2010, the New York State Racing and Wagering Board approved an amendment to the Yonkers Raceway simulcast plan of operation to authorize the simulcast for wagering purposes of races from Finger Lakes Racing Association, New York from April 16 through December 4, 2010.
- APPROVED 83. YONKERS RACEWAY – EXPORT TO VARIOUS LOCATIONS**
1109-42-B IN 2010
- 2/18/10 On February 18, 2010, the New York State Racing and Wagering Board approved Yonkers Raceway’s request to simulcast its harness racing programs for wagering purposes to Northville Downs, Michigan through December 31, 2010.
- 2/18/10 84. On February 18, 2010, the New York State Racing and Wagering Board approved Yonkers Raceway’s request to simulcast its harness racing programs for wagering purposes to Sol Mutuel, Ltd., Grenada through December 31, 2010.

3/1/10 85. On March 1, 2010, the New York State Racing and Wagering Board approved Yonkers Raceway's request to simulcast its harness racing programs for wagering purposes to the following tracks through December 31, 2010:

1. Balmoral Park (with five [5] secondary sites), Illinois
2. Maywood Park (with four [4] secondary sites), Illinois.

3/9/10 86. On March 9, 2010, the New York State Racing and Wagering Board approved the Yonkers Raceway request to simulcast its standardbred racing programs for wagering purposes for the year 2010 to the additional secondary site, Megatote.com, North Dakota associated with the previously approved simulcasts to Las Vegas Dissemination Company.

3/9/10 87. On March 9, 2010, the New York State Racing and Wagering Board approved Yonkers Raceway's request to simulcast its harness racing programs for wagering purposes to Will Rogers Downs, Oklahoma through December 31, 2010.

C. ITEMS PREVIOUSLY APPROVED, DENIED OR DEFERRED BY THE BOARD

APPROVED 1. **FINGER LAKES RACETRACK – PADDOCK RENOVATIONS**
0310-31-C On March 5, 2010 the New York State Racing and Wagering Board
3/5/10 (Board) approved the February 12, 2009 request by Finger Lakes Racing Association Inc. to renovate the Paddock roof and stalls pursuant to Section 246 of the New York State Racing and Wagering, Pari-Mutuel Wagering and Breeding Law in accordance with the Town of Farmington Permit dated February 25, 2010.

APPROVED 2. **WESTERN REGIONAL OTB – SIMULCAST RECEPTION**
0210-38-C **SERVICE AGREEMENT WITH ROBERTS COMMUNICATION**
3/11/10 **NETWORK, LLC**
On March 11, 2010, the New York State Racing and Wagering Board approved a request to amend Western Regional Of-Track Betting Corporation's plan of operation to replace SUNY/New York with Roberts Communications Network for simulcast reception service effective March 1, 2010.

D. ITEMS TO BE APPROVED, DENIED OR DEFERRED BY THE BOARD

YES ___ NO ___ 1. **YONKERS RACEWAY – 2010 TRACK & SIMULCAST
DEFERRED ___ LICENSE APPLICATIONS**

1009-16-D Yonkers Raceway requests 244 dates of racing in 2010. They began live racing on January 8th with a 7:10 p.m. first post-time. They will continue racing through December 21st. They will race on Mondays, Tuesdays, Thursdays, Fridays and Saturdays with no racing on May 31st, June 2nd, 3rd & 4th and November 25th. At this time approval for the **April 2010** dates are recommended.

YES ___ NO ___ 2. **MONTICELLO RACEWAY – 2010 TRACK &
SIMULCAST**

DEFERRED ___ **LICENSE APPLICATIONS**

1009-11-D Monticello Raceway requests 210 dates of racing in 2010. They began live racing on January 4th. From March through October the first post-time will be 12:50 p.m., while in November and December the first post-time will revert to 12:25 p.m. There will be one night-time program on July 3rd with a first post-time of 7:30 p.m. The afternoon racing is scheduled for a Monday through Thursday basis. However, there is racing on Friday, June 4th, Saturday evening July 3rd and on the Sundays of July 18th & 25th. There will be no racing on Monday September 6th. At this time approval for the **April and May 2010** dates are recommended.

YES ___ NO ___ 3. **VERNON DOWNS – 2010 TRACK & SIMULCAST
LICENSE**

DEFERRED ___ **APPLICATIONS**

1009-15-D The company named American Racing-Vernon Downs, Inc. submitted a track and a simulcast license application for 2010.

Racing Dates for Vernon Downs

April 16th– November 27th 90 programs (90 in 2009)

April-November - Racing at 6:55 p.m. on Fridays and Saturdays in April then Thursdays, Fridays and Saturdays through October. Racing on Fridays and Saturdays in November. 1:15 p.m. afternoon racing on the Mondays of May 31st, July 5th and September 6th. No Thursday racing on May 27th, September 2nd, October 21st and 28th.

Hours of Available Wagering – 12:15 p.m. until 10:30 p.m.

Wagering Format							
RACE No.	WPS	DD	EXACTA	PICK THREE	TRIFECTA	SUPERFECTA	PICK SIX
1	X	X	X		X		
2	X		X		X		
3	X		X	X	X		
4	X		X		X	X	X
5	X		X		X		
6	X		X		X		
7	X		X	X	X	X	
8	X		X	X	X		
9	X	X	X	X	X	X	
10	X	X	X	X	X	X	
11	X	X	X	X	X	X	
12	X	X	X		X	X	
13	X		X		X	X	

Staff reviewed the 2010 Track and Simulcast applications for American Racing-Vernon Downs, Inc (Vernon Downs). Staff has found the track and simulcast applications substantially complete.

The application for racing in 2010 requests approval to conduct no fewer than ninety (90) separate racing programs. The minimum number of race days to be requested for Vernon Downs is 144, in accordance with Section 318 of the New York State Racing, Pari-Mutuel Wagering and Breeding Law. The management of Vernon Downs stated it would be economically infeasible to race the 144 days.

The horsemen’s contract calls for no fewer than ninety (90) racing days to commence no later than May 1st and close no sooner than November 21st with a minimum three (3) day per week schedule.” The horsemen are in concurrence with the ninety (90) days citing a possible reduction in horses available to race.

Section 307.5-a of the Racing, Pari-Mutuel Wagering and Breeding Law provides that the Board shall not issue a license for Vernon Downs if it does not conduct at least 120 racing programs. The statute further provides that the Board may grant the license to conduct fewer programs and races for good cause shown due to factors beyond the control of the racing corporation, and upon consent of the representative horsemen’s association.

Staff recommends that the Board make such finding for purposes of Section 307.5-a and also find for purpose of establishing the Section 318 pari-mutuel tax rate that the assignment of the 90 racing programs was due to factors beyond the control of the racing corporation or that it would have been uneconomical or impractical for the corporation to be assigned the prescribed number.

The Harness Horse Association of Central New York also provided American Racing-Vernon Downs, Inc. with permission to distribute purse checks no later than ten (10) days, after races have been run.

No material issues were found with the CAFO documentation submitted with this application.

The required SAS 70 Type II audit report for American Racing-Vernon Downs has been filed with the Board; however, the report as received does not meet this year's requirements. Staff will issue a separate memo for Board information when additional information is received and pursue this matter separately.

Pursuant to Section 5100.23(d), the Board must annually approve the Vernon Downs Totalisator Security Plan. Staff has reviewed the plan and found it to be substantially in compliance with the rule.

Staff notes no substantial changes in the simulcast plan of operation presented as compared with the 2009 application and plan. The application is sufficient for purposes of issuing a 2010 simulcast license application.

It is recommended that the Board:

- Grant the 2010 track and simulcast licenses subject to standard conditions
- Grant the requested waiver from the purse distribution requirements
- Approve the totalisator security plan

Authorize certification to the Commissioner of Taxation and Finance pursuant to Section 318.5 consistent with finding that assignment of the 90 racing programs was due to factors beyond the control of the racing corporation or that it would have been uneconomical or impractical for the corporation to be assigned the prescribed number.

YES ___ NO ___ 4. **CAPITAL DISTRICT REGIONAL OTB – NEW
DIRECTOR -**

DEFERRED ___ **KELLEHER**

1009-15-D By application dated January 28th, 2010, Robert W. Hemsworth, General Counsel at Capital District OTB, requests Board approval to amend the plan of operation for a new director from Rensselaer County, Mr. Neil J. Kelleher. Mr. Kelleher will be replacing Mr. James Lance as the director from Rensselaer County.

Staff has performed a limited suitability review of Neil J. Kelleher pursuant to his appointment to the Board of Directors for Capital District Regional Off-Track Betting. The Rensselaer County Board of Supervisors appointed Mr. Kelleher on January 4th, 2010. The suitability review was limited to a review of the public records, credit history report, personal history disclosure forms and a check of the fingerprint records. No disqualifying information was detected.

Assistant Counsel Bill Sekellick interviewed Mr. Kelleher to review his duties and responsibilities as an OTB director and prepared a memo for the Board Secretary which is enclosed.

Approval is recommended.

YES___NO___ 5. **YONKERS RACEWAY – REQUEST TO WITHDRAW**
DEFERRED___ **\$71,946.10 FROM CIF**

0210-15-D By application dated February 1, 2010, Yonkers Raceway requested approval to withdraw \$71,946.10 from their Capital Improvement Fund (CIF) for reimbursement of capital improvement purchases and improvements. This request is supported by copies of vendor invoices and cancelled checks. The documentation supplied for these items has been reviewed and was found to support them. Staff has inspected and photographed the purchases/improvements.

The Presiding Judge knew of no physical problems nor health and safety issues that would preclude reimbursement of this CIF request.

New Starting Gate	\$34,102.40
Truck for Starting Gate	<u>37,843.70</u>
(2009 Chevy Avalanche)	
Total CIF Requested	<u><u>\$71,946.10</u></u>

Backstretch (\$71,946.10)

New Starting Gate – (\$34,102.40) Vendor was Howard Starting Gate. **This was a budgeted CIF item for 2009.**

Truck for Starting Gate – (\$37,843.70) Vendor was Beck Chevrolet. **This was a budgeted CIF item for 2009.**

The balance of the Capital Improvement Fund bank account was \$1,340,823.72 as of January 31, 2010.

YES___NO___ 6. **YONKERS RACEWAY – REQUEST TO WITHDRAW**
DEFERRED___ **\$331,390.91 FROM CIF**

0210-16-D By application dated January 29, 2010, Yonkers Raceway requested approval to withdraw \$331,390.91 from their Capital Improvement Fund (CIF) for reimbursement of capital improvement purchases and improvements. This request is supported by copies of vendor invoices and cancelled checks. The documentation supplied for these items has been reviewed and was found to support them. Staff has inspected the improvements.

The Presiding Judge knew of no physical problems nor health and safety issues that would preclude reimbursement of this CIF request.

Backstretch (100%)

Track Materials – Resurfacing – 2008	\$107,880.32
Track Materials – Resurfacing – 2009	<u>114,331.65</u>
Total CIF Request	<u>\$222,211.97</u>

Backstretch (\$222,211.97)

Track Materials – Resurfacing - 2008 - (\$107,880.32) Vendor was Tilcon New York, Inc. **This was a budgeted CIF item.**

Track Materials – Resurfacing – 2009 - (\$114,331.65) Vendor was Tilcon New York, Inc. **This was a budgeted CIF item.**

The balance of the Capital Improvement Fund bank account was \$1,340,823.72 as of January 31, 2010.

Recommendation: Staff recommends the Board approve \$222,211.97 of Yonkers’ request to withdraw \$331,390.91 from their Capital Improvement Fund for reimbursement of Capital Improvement Expenditures. Staff recommends that the Board deny \$109,178.94 of their request for a non-budgeted item.

YES ___ NO ___ 7. **WESTERN REGIONAL OTB – NEW E-Z BET – DR’S.
INN -**

DEFERRED ___ **ROCHESTER**

0110-14-D By request letter dated January 11th, 2010, Michael D. Kane, the Vice President of Operations and Live Racing for the Western Off-Track Betting Corporation has submitted a request to amend the plan of operation for the opening of the Western Regional Off-Track Betting EZ Bet named The Dr.’s Inn located at 1743 East Avenue. This branch is located in the City of Rochester which is in the County of Monroe.

The Dr’s Inn, Inc. was incorporated on February 23, 2000. In 2008, David Hartman bought out the other shareholder and now owns the two outstanding shares as the sole owner of this corporation.

Staff reviewed the Personal History Disclosure, a Financial Disclosure Form (FD-1), tax returns, credit history, business records and various background checks including fingerprint-based criminal history reports.. A background check with the New York State Division of Lottery did not disclose any past or current violations.

Staff also examined the tax returns for David Hartman and for The Dr’s Inn, Inc. for the years 2006, 2007 and 2008. Staff also reviewed payroll records against the Board’s licensing database.

The Dr’s Inn is a current New York State Liquor Authority licensee. A check with the State Liquor Authority disclosed violations in 2006 and 2009. (Subdivision one section 117-a of the Alcoholic Beverage

Control Law with the sale of an unlimited amount of drinks during a set period of time for a fixed price and the 2009 violation of Section

109(2) of the Alcoholic Beverage Control Law with the failure of the licensee to send notification of the renewal thirty days before the application was filed. Both resulted in fines.

Western Regional Off-Track Betting will provide the data network and telephone lines needed to operate the betting and simulcast system. Training and support will be provided by Western Regional OTB as well. The Dr.'s Inn, Inc. will provide sufficient personnel to operate Western's Regional OTB's betting and simulcasting system during the hours of 12:00 p.m. to 11:00 p.m.

The Dr.'s Inn, Inc. agrees to maintain an on-site minimum daily balance of fifteen hundred (\$1,500.00) dollars to satisfy vouchers which may be presented for payment by customers who utilize the Western Regional OTB betting system.

Approval is recommended.

YES___NO___ 8. **TIOGA DOWNS – AMENDMENT TO LOWER TAKEOUT FROM WAGERING**
DEFERRED___

0210-23-D By application dated February 12th, 2010, Jason Settlemoir, Vice President for Racing and Simulcast at the American Racing-Tioga Downs, Inc., requests permission to amend the American Racing-Tioga Downs, Inc. plan of operation allowing Tioga Downs to *lower* its takeout on all win, place and show wagers to fifteen (15%) per cent; to *lower* its exacta and double wagers to seventeen (17%) per cent; and to *lower* all other wagers (not named here) to twenty-one (21%) per cent. This is authorized under Section 318 - Disposition of on-track pari-mutuel pools; harness races, which reads as follows:

Section 318 (1) Except as otherwise provided by law, every association or corporation authorized under this article to conduct pari-mutuel betting at a harness horse race meeting on races run thereat shall distribute all sums deposited in any pari-mutuel pool to the holders of winning tickets therein, provided such tickets be presented for payment prior to April first of the year following the year of their purchase, less an amount which shall be established and retained by such racing association or corporation of between fourteen and twenty per centum of the total deposits in pools resulting from regular bets, less sixteen to twenty-two per centum of the total deposits in pools resulting from multiple bets, less twenty to thirty per centum of the total deposits in pools resulting from exotic bets, and less twenty to thirty-six per centum of the total betting deposits in pools resulting from super exotic bets, plus the breaks. The retention rate to be established is subject to the prior approval of the racing and wagering board. Such rate may not be changed more than once per calendar quarter to be effective on the first day of the calendar quarter.

Approval is recommended.

YES ___ NO ___ 9. **BUFFALO RACEWAY – REQUEST TO DESIGNATE TWO**

DEFERRED ___ **WINDOWS FOR CASHING OUTSTANDING TICKETS**

0210-36-D By letter dated March 2, 2010 Buffalo Raceway requested New York State Racing and Wagering Board (Board) approval to utilize an additional window to cash outstanding tickets pursuant to 9(E) NYCRR §5100.19.

Section 5100.19 governs the cashing of outstanding tickets that were purchased at least 10 days prior and are worth more than \$300. Pari-mutuel entities must designate no more than one window per bay to cash such tickets. However, the Board may approve additional windows upon written request.

Buffalo Raceway has stated that its needs an additional window to remedy scheduling difficulties relating to overlapping shifts in a bay. Buffalo Raceway is proposing the use of windows 407 and 410 as the designated windows.

Staff recommends the Board approve the request.

YES ___ NO ___ 10. **MONTICELLO RACEWAY – REQUEST TO MODIFY PLAYERS CLUB REWARDS PROGRAM**

0210-29-D By letter dated February 18, 2010 Monticello Raceway Management Inc (Monticello Raceway) requested New York State Racing and Wagering Board (Board) approval to modify its previously approved players rewards program. Monticello Raceway is requesting approval to modify the award system to 1 point earned for every \$68 bet. The current system awards points based on different amounts wagered depending on the type of wager.

Staff recommends the Board approve the request. All other terms and conditions of prior approvals should remain in effect.

YES ___ NO ___ 11. **FINGER LAKES RACETRACK – 2010 RACING OFFICIALS**

DEFERRED ___ By application received February 9th, 2010, Kim A. DeLong, the 0210-10-D Director of Mutuels/Administration at Finger Lakes requests Board approval for an amendment to its overall plan of operation. Upon approval, Finger Lakes will be enabled to employ sixteen (16) officials for the 2010 Finger Lakes Gaming and Racetrack race meeting.

The sixteen people proposed to be employed by Finger Lakes are:
Richard B. Coyne Association Steward
Joseph Colasacco Racing Secretary
Patrick Placito Director of Racing & Simulcasting
Carl Anderson. Assistant Racing Secretary & Alternate Placing Judge, Horse Identification & Clerk of Scales

JoAnn Tremacco	Placing Judge & Alternate Paddock Judge
Donna Doxie	Horse Identifier & Alternate Paddock/Placing Judge
Susan Lockhart	Paddock Judge & Alternate Placing Judge
Roxanne Mitz	Alternate Placing Judge & Alternate Paddock Judge
Jeff LaRue	Starter
Jack Keller	Clerk of Scales, Alternate Placing Judge & Assistant Racing Secretary
Margaret Ohlinger	Examining Veterinarian
Beth Albrecht	Examining Veterinarian
Sidney Gustafson	Examining Veterinarian
Thomas Muller, Jr.	Placing Judge, Alternate Horse Identifier & Clerk of Scales
Thomas Northrop	Placing Judge, Alternate Clerk of Scales, Horse Identifier & Paddock Judge
David Green	Alternate Starter

Staff performed a limited suitability review for each of the sixteen (16) racing officials Finger Lakes submitted in their attached letter dated February 9th, 2010 for Board review. The check was limited to a credit history review, public records search, a New York State Racing and Wagering Board licensing history review and a verification of State Education Department certification for veterinarians. No disqualifying information was detected.

Approval is recommended.

YES ___ NO ___
DEFERRED ___

12.

**CONCORD EMPIRE RACEWAY – AMENDMENT TO
CERTIFICATE OF INCORPORATION**

0310-13-D On October 23, 2008, the Board approved and indorsed the proposed Certificate of Incorporation of Concord Empire Raceway Corp., thus permitting its filing with the New York State Department of State as a harness racing corporation.

By letter dated January 22, 2010, Concord Empire Raceway Corp. requests approval to amend its certificate of incorporation to change the entity’s name to Concord Raceway Corp. This amendment is stated to result from the fact that the Concord project is no longer a joint venture with Empire Resorts, Inc. As reflected in the attached organizational chart (submitted January 25, 2010), the ownership of the racing corporation has changed since the October 2008 Board Action. The current application includes the originals of the executed certificate of amendment, written consents to the proposed amendment, the relevant assignment and assumption agreement relating to stock held by Charles A. Degliomini, Cliff Ehrlich, and David P. Hanlon, and a certificate of amendment relating to a name change of Concord Empire LLC to Concord Kiamesha Raceway LLC.

A corporation that desires to conduct race meets at which pari-mutuel harness racing is to be conducted pursuant to Racing Law Sections 305 and 307 must be formed under Section 302 of the Racing Law. Neither the original certificate of incorporation nor an amendment can be filed with the Secretary of State without the Board's endorsement.

This amendment is a name change only. Staff has not reviewed the ownership changes associated with the reported organizational chart. However, an approval of the amendment does not confer a license to conduct pari-mutuel harness horse racing. The original (October 23, 2008) approval conferred the Racing Law Section 304 right to hold harness race meetings subject to compliance with all of the Racing Law Article III provisions and the opportunity to apply for a Racing Law Section 307 track pari-mutuel harness racing license.

It is recommended that the certificate of amendment Concord Empire Raceway Corp. for the name change be approved. It is further recommended that approval be accompanied by a statement that this approval and endorsement does not reflect approval of the suitability of ownership interests, financing or other materials required in relation to licensing and operation of a pari-mutuel racetrack.

YES ___ NO ___ 13. **CATSKILL REGIONAL OTB – REQUEST FOR
EXTENSION**

DEFERRED ___ **TO FILE 2010 QUARTERLY REPORTS**

0310-16-D In a letter dated March 8, 2010 Catskill OTB requested approval by the New York State Racing and Wagering Board to file their uniform quarterly reports 45 days (30-day extension) after the end of each of the first three quarters in 2010. In addition they also requested to file their 4th Quarter December 2010 report 60 days after the end of the quarter (45-day extension). Section 524 (4) of the Racing law states the following:

“The reports required under this section shall be in such form and contain such other matters as the board may determine from time to time to be necessary to disclose accurately the financial condition and operation of such corporations. The board may for good cause shown grant a reasonable extension of time for the filing of any such report.”

Recommendation

Staff recommends that the Board approve a 30-day extension for filing each of the first three Quarterly reports which will make them due 45 days after the end of each quarter. In addition staff recommends that the Board approve a 45-day extension for filing their 4th Quarter December 2010 report which will make this due 60 days after the end of the quarter...

Lastly staff recommends that Catskill OTB be reminded that if they intend on requesting an extension to file quarterly reports beyond 2010 then a request for such extension must be made in a timely manner.

YES___NO___ 14. **SUFFOLK REGIONAL OTB – REQUEST FOR
EXTENSION
DEFERRED___ TO FILE 2010 QUARTERLY REPORTS**

0310-17-D In a letter dated February 1, 2010 Suffolk OTB requested approval by the New York State Racing and Wagering Board to file their uniform quarterly reports 45 days (30 day extension) after the end of each quarter in 2010. Section 524 (4) of the Racing law states the following:

“The reports required under this section shall be in such form and contain such other matters as the board may determine from time to time to be necessary to disclose accurately the financial condition and operation of such corporations. The board may for good cause shown grant a reasonable extension of time for the filing of any such report.”

Recommendation

Staff recommends that the Board approve a 30-day extension for filing each of the 2010 four quarterly reports which will make them due 45 days after the end of each quarter.

Lastly staff recommends that Suffolk OTB be reminded that if they intend on requesting an extension to file quarterly reports beyond 2010 then a request for such extension must be made in a timely manner.

YES___NO___ 15. **SUFFOLK REGIONAL OTB – REQUEST FOR MMOA
TO
DEFERRED___ PROVIDE PAYMENT PROCESSING SERVICES**

0210-01-D By letter dated January 26, 2010 the Suffolk Regional Off-Track Betting Corporation (Suffolk OTB) requested a change to its plan of operation to reflect a contract with Money Movers of America Inc. (MMOA). MMOA provides electronic funds transfers to bettors’ wagering accounts. Bettors will be able to use this service through branches, the telephone or over the internet at www.LoadOTB.com. Suffolk OTB submitted an executed contract with MMOA and Suffolk OTB’s internal controls.

The Board has previously approved virtually the same MMOA system for use at Catskill OTB, New York City OTB and Capital OTB. Customers will be able to utilize one website provided by MMOA to fund accounts at all four OTBs. However, all transactions are separate and a customer must have a separate account at each OTB in order to fund an account.

In general, MMOA will provide “Check EFT” service by which a Suffolk OTB customer requests that MMOA electronically debit the customer’s checking account for funds to be provided by MMOA to Suffolk OTB for credit to the customer’s Suffolk OTB telephone betting account. Before using the service the customer must establish a CheckEFT account. MMOA charges a fee for this service and Suffolk OTB receives a commission on the transactions. Deposits are limited to \$500 per day.

Staff performed a cursory background check of MMOA consisting of a public records search and found no information that would preclude Board approval.

Staff recommends the Board approve the change in Suffolk OTB’s plan of operation to reflect the inclusion of the contract.

YES ___ NO ___
DEFERRED ___
1209-04-D

16. **SUFFOLK REGIONAL OTB – REQUEST TO PERMIT
INTERNET WAGERING PLATFORM FOR ACCOUNT
WAGERING CUSTOMERS**

By letter dated December 1, 2009 Suffolk Regional Off-Track Betting Corporation (Suffolk OTB) requested New York State Racing and Wagering Board (Board) approval to amend its plan of operation to implement internet account wagering. By letter dated February 1, 2010 Suffolk OTB also requested approval of the internet wagering contract with Scientific Games.

Pursuant to 9(E) NYCRR §5300.3 authorized pari-mutuel entities may conduct account wagering pursuant to a written plan of operation approved by the Board. The plan must include, at a minimum: the system of processing wagers, internal controls, system security, rules and recording device apart from the tote.

System of Processing Wagers

Suffolk OTB has contracted with Scientific Games Racing LLC to provide its internet wagering platform known as TrackPlay. (TrackPlay has been previously approved by the Board for use at Nassau OTB) The TrackPlay system is a web-based internet system that allows customers to place wagers using their Suffolk OTB Accounts. Customers can bet on any event offered at Suffolk OTB as long as the host track has granted permission for internet wagers. Suffolk OTB included several screen shots of the customer interface. Staff notes that Suffolk OTB does not intend to offer video streaming at this time and it is not included in this request.

Internal Controls

Staff has reviewed Suffolk OTB’s internal controls and found them to be substantially compliant with Part 5300 (Account Wagering) of the Rules. This includes compliance with §5300.8 Segregation of Funds, §5300.9 Conduct of Wagering, §5300.11 Withdrawals, §5300.12

Credits and §5300.21 Yearly Audit. Suffolk will offer surcharge free wagering on those accounts that have at least \$300 balance at the start of the session. Staff notes that Suffolk OTB has an anti-money laundering and suspicious activity policy.

System Security

The application servers are located in a secure 24/7 monitored facility. All physical access is logged. Access to the network is available only through a VPN via keystroke gateway. Network access is logged, controlled and audited. Player data is encrypted and backed up.

Rules

Staff has reviewed Suffolk OTB's account wagering and internet rules and found them to be substantially compliant with Part 5300 of the Rules. According to the Suffolk OTB's rules customers must be a resident of and located in New York State.

Recording Device

Scientific Games Racing utilizes a Transaction Processing Agent Service (TPAS) to record and log all internet account wagering transactions. Staff has previously reviewed this system and found it compliant with the Rules.

Other

Scientific Games is currently testing the Suffolk OTB wagering system. Staff recommends the Board approve Suffolk OTB's request for internet wagering conditioned on receipt of satisfactory test results from Suffolk OTB and/or Scientific Games.

YES ___ NO ___ 17. **IN THE MATTER OF MICHAEL DUBB**
DEFERRED ___ The owner of "I've got speed" appealed from the decision of the
0210-14-D stewards at Belmont Park to place "Intiyaco" ahead of "I've Got Speed" in the
9th race of May 24, 2009 at Belmont Park.

This matter was determined based on written submissions to Board Member Hogan as the designated Hearing Officer. Upon review, Mr. Hogan has submitted the attached Report in which he recommends that the motion be granted and that the appeal be dismissed.

The record of the appeal is on file.

YES ___ NO ___ 18. **ELECTRONIC SUBMISSION OF FORM GC-7Q -**
DEFERRED ___ **QUARTERLY STATEMENT OF BELL JAR**
OPERATIONS
0310-24-D Please consider for Board approval, the attached GC-7Q form for electronic
submission by licensed authorized organizations. There are currently 1,500 authorized
organizations licensed to sell bell jar tickets and submit, the quarterly statement of Bell
Jar operations form GC-7Q

pursuant to 9 NYCRR 5624.1. Licensed authorized organizations who wish to do so will be able to submit the quarterly forms on-line electronically. For those authorized organizations who wish to continue mailing the form through the mail, the forms will still be available on our website for download.

Filing electronically will allow the Board to enhance automatic data collection and improve accuracy for form submittals. Additionally, this system will save time, resources and postage, and will also utilize less paper.

Authorized organizations that choose to submit the required GC-7Q forms electronically, will be able to register on our website, create an online ID and password, and enter all the information already required on the paper forms, electronically. Additionally, the organizations will be required to register an e-mail address so that they may be contacted electronically if a mistake or omission is made on the form, or if they are remiss in submitting the 5% license fee, thus saving the Board paper and postage.

Upon submission, electronic filers will receive an e-mail acknowledgement of their submission, as well as instructions on how to print and sign the affirmation page and submit the 5% fee to the Board.

E. ITEMS FOR BOARD INFORMATION/DISCUSSION

1. **INDIAN GAMING/LICENSING STATISTICS – 0310-03-E**
Licensing statistics for February 1, 2010 through February 28, 2010. Also included are the certifications for Oneida, Mohawk, Seneca Allegany, Seneca Buffalo and Seneca Niagara.
2. **GAMES OF CHANCE/BELL JAR TICKETS – 0310-07-E**
List of bell jar tickets authorized/denied by the Charitable Gaming Unit between February 1, 2010 and February 28, 2010.
3. **GAMES OF CHANCE/BINGO REGISTRATION NUMBERS – 0310-08-E**
List of Games of Chance and Bingo Registration Numbers authorized/denied by the Charitable Gaming Unit from February 6, 2010 thru March 10, 2010.
4. **LICENSING/CURRENT LICENSE COUNT – 0310-09-E**
The current racing licensing counts as of February 28, 2010 since January 1, 2010 are as follows: total receipts 2,143 and total licenses 1,741 for the year 2010.
5. **2010 LICENSED SUPPLIERS – 0310-10-E**
List of licensed suppliers – manufacturers’ and distributors’ licenses issued for the time period of February 1, 2010 through February 28, 2010.

6. **2009 SAS 70 TYPE II AUDIT REPORTS OF TOTALISATOR SYSTEM**

BACKGROUND

Part 5100.6(c) of the totalisator standards that were adopted by the Board in 2008 and became effective January 1, 2009 states *“The totalisator company shall submit yearly a Type II, SAS 70 report, or other report approved by the board, that demonstrates the totalisator company’s compliance with the tote standards.”* As a condition of licensing the Board required each New York track and OTB to submit such report no later than October 31, 2009.

With several new requirements put in place for 2009 Board staff sent a letter to each totalisator company on July 31, 2009 notifying them of the SAS 70 audit requirements that are now needed. A detailed list of required control objectives to be tested as well as required control description and procedures was provided at this time.

SAS 70 TYPE II REQUIREMENT FOR 2009

The following is a listing of all licensed racetracks and OTB’s by totalisator provider:

<u>United Tote</u>	<u>Scientific Games</u>	<u>AmTote</u>
- NYRA	- Nassau OTB	NYCOTB
- Finger Lakes Racetrack	- Suffolk OTB	Buffalo Raceway
- Capital OTB	- Catskill OTB	
- Western OTB	- Yonkers Raceway	
- Batavia Downs	- Saratoga Equine Sports Center	
- Tioga Downs	- Monticello Raceway	
- Vernon Downs		

SAS 70 TYPE II AUDIT REPORTS RECEIVED

An audit report for the United Tote systems at NYRA, Finger Lakes Racetrack, Capital OTB, Tioga Downs and Vernon Downs was timely filed. The report for the United Tote systems at Western OTB/Batavia was filed 32 days late.

An audit report for the Scientific Games systems at Nassau OTB, Suffolk OTB, Catskill OTB, Yonkers Raceway, Saratoga Equine Sports Center and Monticello Raceway was timely filed however staff determined that it did not meet this years requirements. Subsequent discussions led to Scientific Games submitting a supplement report dated February 5, 2010 from their independent auditors that staff determined substantially met the Board’s requirements.

AmTote provides totalisator services for NYCOTB and Buffalo Raceway. A report that did not meet this years requirements was received December 9, 2009 that was 39 days late. Subsequent discussions led to AmTote submitting a supplement report dated February 5, 2010 from their independent auditors that staff determined substantially met the Board’s requirements.

Staff has concluded that these reports meet the minimum requirements established by the Board for each of the OTB’s and tracks.

A summary and analysis of each report that was received can be provided for review upon requested.

The meeting adjourned at 1:38 p.m.